

Application Serial No. 10/729,694
Reply to Office Action of November 22, 2006

FEB 02 2007 PATENT
Docket No. CU-3477

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1 and 3-7 are pending in the present application before this amendment.
Claim 1 has been amended. No new matter has been added.

In the Office Action, claims 1, 3, 4, 6, and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,548,853 (Hwang). The "et al." suffix is omitted in a reference name.

The Applicant has subsequently amended claim 1 wherein the Applicant respectfully contends that the cited Hwang reference does not teach each and every claimed limitation of the present invention required in newly amended claim 1. In particular, the Applicant has subsequently amended claim 1 to require that -- **the first and second silicon nitride films are substantially parallel to each other--**.

The Examiner's attention is respectfully directed towards Hwang's FIGS. 4A-D which does not teach or suggest first and second nitride films that are substantially parallel to each other. In contrast, Hwang at most seems to suggest first and second nitride films that are substantially perpendicular to each other. As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim". Therefore, Hwang does not teach each and every claimed limitation of the present invention. Accordingly, this rejection of claim 1 should be withdrawn.

Claims 3, 4, 6 and 7 depend from independent claim 1 and, as such, incorporate by reference all the claim limitations contained therein, including the above-emphasized limitation which has already been shown to be absent from Hwang. Accordingly, claims 3, 4, 6 and 7 are also believed to be allowable as being dependent upon an allowable base claim. Therefore the Examiner is respectfully requested to withdraw the rejection of dependent claims 3, 4, 6 and 7.

In the Office Action, claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Hwang further in view of the Examiner's allegation that one having ordinary skill in the art would be able to use routine experimentation to develop a suitable workable range for the thickness of the second insulating film.

The above arguments are equally applicable here in that claim 5 depends from independent claim 1 and, as such, incorporates by reference all the claim limitations

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contained therein, including the above-emphasized limitation which has already been shown to be absent from Hwang. Accordingly, claim 5 is also believed to be allowable as being dependent upon an allowable base claim. Therefore, the Examiner is respectfully requested to withdraw the rejection of dependent claim 5.

For the reasons set forth above, the Applicant respectfully submits that claims 1, 3-7 pending in this application are in condition for allowance over the cited references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter. This amendment to the specification and remarks is considered to be responsive to all points raised in the Office Action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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